

REMARKS

Claims 1-27 are now pending in this Application. The Non-Final Office Action dated February 9, 2005 has rejected Claims 1-27. Further, the drawings are objected to. None of the claims were allowed. Applicants have amended the specification to add a missing reference number. The claims are listed above, but none of the claims are amended. Applicants submit that the pending claims are patentable for the reasons discussed in detail below.

The objection to the drawings:

Section 3 of the Office Action objected to the drawings because Figure 3 includes a reference number 362 that is not mentioned in the description. Applicants have amended the specification to indicate that reference number refers to one or more communication links. Figure 3 clearly illustrates these communication links, so the amendment does not add new matter to the specification. Accordingly, applicants respectfully request that the objection to the drawings be withdrawn.

The 35 U.S.C. §102 rejection of Claims 1-4:

Section 5 of the Office Action rejected Claims 1-4 under 35 U.S.C. §102(e) as being anticipated by Gibson et al (U.S. Patent No. 6,680,943, hereinafter referred to as Gibson). Gibson is directed to establishing a bi-directional communication session between two end-points in a communications network, especially where it is required to provide a guaranteed quality of service for the connection. (See Gibson, col. 1, lines 8-12). Applicants respectfully disagree that Gibson discloses or suggests all of the elements of the rejected claims.

For example, with regard to independent Claims 1, 5, 11, 14, and 21, the Office Action does not indicate that Gibson discloses or suggests a customer policy and a mapping policy that maps between an experimental (EXP) field and a unique per-hop-behavior (PHB). Applicants' specification explains that "the experimental (EXP) field [is] in the MPLS shim header" (Spec., pg. 3, lines 23-24). Applicants find no mention in Gibson of an experimental field, a shim header,

discloses that “pre-provisioned label switch paths are referred to as ‘tunnels’.” (Gibson, col. 10, lines 64-65). Gibson also states that “information about the source, destination and capacity of each tunnel is made known to the management layer.” (Gibson, col. 11, lines 2-4). However, Gibson does not group these tunnels by shared properties or to form a certain topology.

Also, applicants’ specification explains that “[t]unneling mode defines the method of translating the Diffserv information in the MPLS headers (labels and EXP field) into the DSCP value in the encapsulated IP header when packets exit the MPLS network.” (Spec., pg. 4, lines 1-3). Gibson does not disclose or suggest any such tunneling mode.

Applicants’ are not arguing the specification, but rather are showing that Gibson does not disclose or suggest terms of the claims as defined by the specification. Because Gibson does not disclose or suggest the tunneling limitations as defined by the specification, the rejection of at least dependent Claims 2, 10, 12, 20, and 27 under 35 U.S.C. §102(e) should be withdrawn.

The 35 U.S.C. §103 rejection of Claims 5-27:

Section 7 of the Office Action rejected Claims 5-27 under 35 U.S.C. §103(a) as being unpatentable over Gibson in view of Giniger et al (U.S. Patent No. 6,751,729, hereinafter referred to as Giniger). Giniger is directed to establishing and operating a virtual private network. (See Giniger, col. 1, lines 11-12). Applicants respectfully disagree that Gibson and Giniger disclose or suggests all of the elements of the rejected claims, and respectfully disagree that either reference provides a motivation for one of ordinary skill in the art to combine Gibson and Giniger.

Independent Claims 5, 11, 14, and 21 include the limitations of an EXP field, a customer policy, and a mapping policy that maps an EXP field to a PHB. As discussed above, Gibson does not disclose or suggest these limitations. Also, applicants find no indication that Giniger discloses or suggests these elements. Accordingly, independent Claims 5, 11, 14, and 21 are patentable for at least the same reasons as independent Claim 1. The Office Action admits that Gibson fails to explicitly teach a means for translating the mapping policy and customer policy into device-specific commands. Instead, the Office Action indicates that Giniger teaches implementing device-specific

commands according to the “particular policy,” wherein the commands instruct the devices on the mapping policies. However, Giniger does not disclose or suggest translating, converting, or otherwise modifying a customer policy or a mapping policy, let alone a mapping policy that maps an EXP field and a PHB as required by the independent claims. Thus, Giniger does not disclose or suggest one of the limitations that the Office Action admits is missing from Gibson.

Further, Gibson does not disclose or suggest a virtual private network, or any encryption, such as that disclosed in Giniger. In addition, Giniger does not disclose or suggest differentiated services (Diffserv) or multi-protocol label switching (MPLS). Thus, there is no reason to believe that one of ordinary skill in the art would be motivated to select and combine Giniger with Gibson. Page 6 of the Office Action indicates that the motivation to combine the references is “because in order to effectively and successfully execute a policy, *it must be* translatable to the components of the system for the proper deployment.” (emphasis added). Even if, *arguendo*, some kind of translation must occur, there is no reason to select Giniger for combination with Gibson. Giniger does not disclose or suggest any translation, conversion, or other modification. Giniger simply discloses a server “used for configuring the node devices, including for sending commands to the node devices to establish secure communication tunnels with other node devices.” (Giniger, col. 4, lines 3-6). There is no translation disclosed or suggested, so there is no reason to single out Giniger for combination with Gibson.

Accordingly, the rejection of independent Claims 5, 11, 14, and 21 under 35 U.S.C. §103(a) should be withdrawn. Also, because dependent claims are considered to include all of the elements of the independent claims from which the dependent claims depend, dependent claims are patentable for at least the same reasons as their corresponding independent claims. Consequently, the rejection of dependent Claims 6-10, 12, 13, 15-20, and 22-27 should also be withdrawn.

In view of the above remarks and the amendment to the specification, applicants believe the pending application is in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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